

Remarks/Arguments

The Office Action stated: that Claim 1 has been cancelled; and that Claims 2 to 24 are pending.

Claims 2, 5, 6, 7, 9 and 10 have been amended. New independent Claim 25 has been added based on the language suggested by the Examiner.

The Office Action stated: that receipt of the Information Disclosure Statement, filed on 9/30/03, has been received and entered into the file; and that a signed copy of the 1449 was attached to the Office Action.

The Office Action stated: that the specification has not been checked to the extent necessary to determine the presence of all possible minor errors; and that applicants cooperation is requested in correcting any errors in which applicants may become aware in the specification. Applicants will correct any errors that they note.

The Office Action stated: that Claims 3 to 5, 8 and 11 to 24 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for indicating the allowability of such claimed subject matter.

Applicants believe the rejected base claim is now allowable so this objection should be withdrawn.

The Office Action stated: that the following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 6, 7 and 9 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The Office Action stated: that claim 2, it is not clear what the claim is drawn to; and that it is suggested that the claim be written as "A process for preparing 2-cyano-2-alkoxyacetamides of formula (III), comprising reacting the appropriate alkoxy malonamides of formula (II) with a dehydrating agent to obtain formula (III)." Claim 2 has been amended to eliminate the problem. New independent Claim 25 is along the lines suggested by the Examiner.

The Office Action stated that, in Claims 2 and 9, the phrases "characterized comprising" and "wherein characterized", respectively, are idiomatic and therefore indefinite. The amendments to such claims should eliminate the problems.

The Office Action stated: that, in Claims 6 and 7 respectively, the phrase "claim 2 the dehydration---" is idiomatic and therefore indefinite; and that it is suggested that ---wherein--- be inserted before "the dehydration".

The Office Action asked what is being claimed in claim 10. The formula of the compound has been inserted.

This rejection should be withdrawn.

Reconsideration, reexamination and allowance of the claims are
requested.

Respectfully submitted,

April 5, 2006
Date

Virgil H. Marsh
Virgil H. Marsh
Reg. No. 23,083

Fisher, Christen & Sabol
1725 K St., NW, Suite 1106
Washington, DC 20006
Tel.: 202-659-2000
Fax: 202-659-2015